

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLEVELAND KEALOHAPAUOLE,

Plaintiff,

Case No. 21-12237

v.

Hon. George Caram Steeh
Hon. Curtis Ivy, Jr.

CORRECTIONAL OFFICER ITOE,

Defendant.

_____ /

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT

On February 12, 2024, Magistrate Judge Curtis Ivy, Jr., issued a report and recommendation proposing that the court dismiss this action pursuant to Fed. R. Civ. P. 25(a)(1), because Plaintiff is deceased and his estate or other appropriate party has not substituted in his place. No timely objections have been filed.

With respect to reports and recommendations from magistrate judges, this court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.*

Upon review of the report and recommendation, and having received no objection, the court agrees with Magistrate Judge Ivy's analysis and conclusions.

Therefore, IT IS HEREBY ORDERED that Magistrate Judge Ivy's report and recommendation (ECF No. 39) is ACCEPTED and ADOPTED as the order of the court.

IT IS FURTHER ORDERED that Plaintiff's complaint is DISMISSED pursuant to Fed. R. Civ. P. 25(a)(1).

Dated: March 5, 2024

s/George Caram Steeh
HON. GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 5, 2024, by electronic and/or ordinary mail and also on Cleveland Kealohapauole, #738993, 1138 Orange Blossom, Mt. Morris, MI 48458.

s/Lashawn Saulsberry
Deputy Clerk